

It is not necessary for the specification to identify or to describe how to determine what class or classes of components of member(s) of a test species actually deleteriously affect members of a target species because a person of ordinary skill in the art would know how to make such identification and/or determination. Although the specification does not state whether the component to be identified is an organic or inorganic component; an intercellular or extracellular component, a peptide, a carbohydrate or a protein, a person of ordinary skill in the art reading the specification would separate and test such classes as peptides, carbohydrates and proteins, since the person of ordinary skill in the art knows that substances that fall within such classes deleteriously affect various parasites. The present application does not suggest that the components that are tested should be limited to such classes. Since one purpose of the present invention is to methodically and systematically test components of members of a test species in order to determine which of such components, if any, deleteriously affect a given target species, one of ordinary skill in the art would not interpret the invention or the claims thereto as being limited to testing any particular class or classes of components.

Although the specification does not describe any particular deleterious effect upon a target species that one skilled in the art must recognize in order to identify the component that deleteriously affects the target species, one of ordinary skill in the art would interpret the term "deleteriously affected" as encompassing (a) death, since death is an effect that a researcher commonly looks for in this type of testing, and (b) some lesser deleterious effect, since the term "deleteriously affected" also encompasses effects other than death. It is submitted that one of ordinary skill in the art clearly would know how to determine whether the exposed target species has died or suffered some lesser deleterious effect; and upon making such determination, one of ordinary skill in the art would know which tested component the target species was exposed to so as to be able to identify the tested component that caused such deleterious effect.

For the foregoing reasons, the claims are commensurate with the scope of the enabling disclosure.

Rejection of Claims 1-40 Under 35 USC 112, Second Paragraph

The rejection of Claims 1-40 under 35 USC 112, second paragraph, is respectively traversed because the claims particularly point out and distinctly claim the subject matter that applicant regards as his invention.

The claims are not indefinite because the metes and bounds of the components of members of the test species are not limited to any particular class or classes of components, as explained in the preceding section traversing the rejection of Claims 1-40 under 35 USC 112, first paragraph. The Examiner's requirement that the claims describe "suitable 'components' of members of test species that deleteriously affect members of a target species" is inappropriate because one purpose of the present invention to test components of members of test species in order to determine which, if any, of the tested components deleteriously affect members of a target species. In other words, the testing encompasses both components that are determined by the testing to be suitable and components that are determined by the testing to be unsuitable.

Allowability of Claims 1-40

The indication that Claims 1-40 would be allowable if rewritten or amended to overcome the rejections under 35 USC 112 is gratefully acknowledged. It is believed that these rejections have been overcome by the foregoing arguments.

Reconsideration and allowance of Claims 1-40 are respectfully requested.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on

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Date of Signature: May 27, 1998

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